

**OFFICIAL FILE  
ILLINOIS COMMERCE COMMISSION**

May 10, 2004

**ORIGINAL**

2004 JUN -9 P 3:37

SERVED ELECTRONICALLY

Thomas A. Jakubik  
-vs-

: Administrative Judge Dolan  
gdolan@icc.state.il.us

Northern Illinois Gas Company  
d/b/a Nicor Gas Company

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:  
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03-0367

Complaint as to interrupted gas service  
in Mount Prospect, Illinois.

**SERVED ELECTRONICALLY**

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d/b/a Nicor Gas Company  
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Thomas A. Jakubik  
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**JAKUBIK's Response to NICOR's MOTION to Disallow Supplemental Discovery**

**1. NICOR's withholding Discovery violates 83 Ill Admin Code Sec 200.420:**

NICOR through its Attorneys has repeatedly withheld discovery so blatantly that in her own writing she states more items that were to have been delivered to Plaintiff 8 months ago are still not delivered and that NICOR wishes to use these documents as evidence. Discovery has never been completed; it has been withheld repeatedly, so it never ended. The items that I now know exist:

Referring to transcript of March 31<sup>st</sup>, 2004, Page 172, line 22 In testimony NICOR's Supervisor response to my questions as to where the missing discovery items were replied "I was not asked to deliver any other items"

In my view there has been a coordinated effort by NICOR, NICOR's employees, NICOR's Attorney's, and The Commissioner of the Illinois Commerce Commission to impede my complaint by withhold discovery.

1 The daily computer work schedule for the Supervisor and the 2 technicians for the dates they testified to at the hearing.

2. TITLE 83: Public Utilities, Chapter I: Illinois Commerce Commission Part 520 Training Programs for Natural Gas Systems Operating Personnel (General Order 204) Section 520.10 Training Procedures is part of what I requested and denied by the ALJ as available through an open document which was not true, in that The Illinois Commerce Commission was to have it in their possession and control, have now stated they can not find it and have done nothing to fulfill my request. This has required Jakubik to file and action under (5 ILCS 140/) Freedom of information Act. As case # 04 CH 06116.


1. At the hearing on March 31<sup>st</sup>, 2004 NICOR was permitted to introduce exhibits with held from Complainant (Exhibit # 10.)
2. At the hearing on March 31<sup>st</sup>, 2004 it was attested to by both witnesses that many of the documents requested in discovery by Complainant were in fact with NICOR but were never tendered. Even though the Complainant has made 5 requests for these documents. Each ticket has up to 3 screens with more detailed information on them which were never tendered NICOR Exhibit # 8. Example: Ticket # 03-020822-0072  
03-020815-0315  
03-20020822-0358  
03-20020822-0072  
03-20020820-0072  
03-20020815-0137  
03-20020815-0304  
03-20020815-0315  
03-20000403-0009
3. NICOR was allowed to present discussion of JAKUBIK's Payment history at the hearing, yet the documents that would show payment record were requested and never tendered.
4. NICOR's non tender of (EXHIBITS 4 & 5) reported letter to notify JAKUBIK of disruption. NICOR testified the documents such and the TICKETS listed above were reproduced by a print screen function of the computer data base. But they could not reproduce the same information for Exhibits 4 & 5 using the same Print screen functions. NICOR showed no proof of mailing of the second letter, it was not sent registered return receipt as one would expect with the urgency needed to complete this exchange in 16 days.
5. NICOR non tender of Administrative Code Section 520.10 Training Procedures: which are important to JAKUBIK's case and withheld by the Illinois Commerce Commission, By statute they must be in the possession and control of the Illinois Commerce Commission every attempt has been made to withhold this document. This document is to be in the public domain. It would seem that the Chairman of the Illinois Commerce Commission is in collaboration with NICOR to withhold these documents.
6. Document (ICC File #: 2003-06779C) prepared by Witness Bill Krueger. Tom Moretti was not the author of this document but was able to testify of its content. In doing so Mr. Moretti testified he did author a response of Jakubik's complaint to the ICC. This document was never tendered.

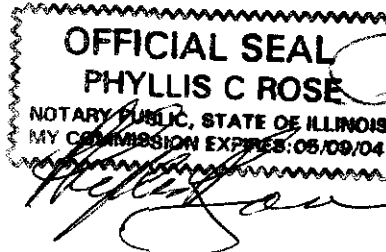
7. NICOR states that in the second instance of meter replacement at account # 1-24-89-0963 that there is documentation on both accounts that describe the accounts to be replaced and that they may have different instructions. These documents were also withheld.
8. Referring to transcript of March 31<sup>st</sup>, 2004, Page 171, line 17, Procedures as part of discovery not delivered per NICOR's witness.
9. Referring to transcript of March 31<sup>st</sup>, 2004, Page 172, line 22, written report to the ICC not delivered.
10. Referring to transcript of March 31<sup>st</sup>, 2004, Page 190, line 16. Written training manual for handling emergencies not delivered.
11. Referring to transcript of March 31<sup>st</sup>, 2004, Page 220, line 17. Document Withheld!  
" I get that document in a company envelop. It will have the list of them on there: and from there I take off the business, commercial and apartment buildings".

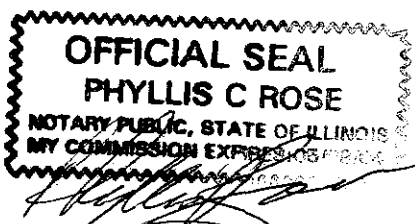
For the following reason I request a completion of discovery and supplemental discovery.

Your earliest attention is appreciated.

Sincerely,

  
Thomas Jakubik  
Complainant





Thomas A. Jakubik  
-VS-

Northern Illinois Gas Company  
d/b/a Nicor Gas Company

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The undersigned, person, states the these Motions and Responses were served by Electronically and by facsimile and regular mail to The Illinois Commerce Commission as Fax # 217-524-0673, Illinois Commerce Commission C/O Elizabeth A. Rolando Chief Clerk, 527 East Capital Avenue, Springfield, Illinois 62701

Sincerely,

Thomas Jakubik  
Complainant

